

JUN 16 2010

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Mr. Paul Novak, Manager
Permits and Compliance Section
Division of Surface Water
Ohio Environmental Protection Agency
Post Office Box 1049
Columbus, Ohio 43216-1049

Subject: Draft permits for Ohio Valley Coal Company – Powhatan Mine #6 (OH0012661)
and American Energy Corporation – Century Mine (OH0059552).

Dear Mr. Novak:

The U.S. Environmental Protection Agency requests the opportunity to review draft National Pollutant Discharge Elimination System permits for Ohio Valley Coal Company – Powhatan Mine #6 (OH0012661) and American Energy Corporation – Century Mine (OH0059552).

The subject facilities discharge to Captina Creek and its tributaries. Ohio's 2009 Biological and Water Quality Study of the Captina Creek Watershed recommends that Captina Creek retain its Outstanding State Water classification based on exceptional ecological values (OAC 3745-1-05). The permits we are requesting are expired priority permits. That these facilities discharge into Captina Creek, a high quality water of the U.S., is a cause for concern.

In accordance with 40 CFR 123.44 (a), EPA has the authority to review a draft permit for up to 90 days from receipt and may make general comments, objections to, or recommendations. We request the opportunity to review these priority permits to assure that the permits will be issued consistent with the requirements of the Clean Water Act.

If you have any further questions regarding this matter please contact me at (312) 886-4448.

Sincerely,

/s/ KEVIN M. PIERARD

Kevin M. Pierard, Chief
NPDES Programs Branch

cc: George Elmaraghy, Ohio EPA
Brian Hall, Ohio EPA

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